

# SENATE BILL 774

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By: **Senator Young**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Petition for Termination of Parental Rights**

3 FOR the purpose of altering the circumstances under which a local department of  
4 social services is required to file a petition for termination of parental rights or  
5 join an action for termination of parental rights; altering the circumstances  
6 under which a local department is not required to file a petition or join an  
7 action; establishing that a child shall be considered to be abandoned under  
8 certain circumstances; making a technical and clarifying change; and generally  
9 relating to termination of parental rights.

10 BY repealing and reenacting, with amendments,  
11 Article – Family Law  
12 Section 5–525.1  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Family Law**

18 5–525.1.

19 (a) If a child placement agency to which a child is committed under § 5–525  
20 of this subtitle determines that adoption of the child is in the best interest of the child,  
21 the child placement agency shall refer the case to the agency attorney within 60 days  
22 of the determination and the agency attorney shall file a petition for termination of the  
23 natural parent's rights with the court within 60 days of receipt of the referral.

24 (b) (1) Except as provided in paragraph (3) of this subsection, a local  
25 department to which a child is committed under § 5–525 of this subtitle shall file a

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 petition for termination of parental rights or join a termination of parental rights  
2 action that has been filed if:

3 (i) the child has been in an out-of-home placement for 15 of the  
4 most recent 22 months;

5 (ii) a court finds that the child is [an] abandoned [infant]; or

6 (iii) a court finds that the parent has been convicted, in any state  
7 or any court of the United States, of:

8 1. a crime of violence against:

9 A. a minor offspring of the parent;

10 B. the child; or

11 C. another parent of the child; or

12 2. aiding or abetting, conspiring, or soliciting to commit  
13 a crime described in item 1 of this item.

14 (2) (I) For purposes of PARAGRAPH (1)(I) OF this subsection, a  
15 child shall be considered to have entered an out-of-home placement 30 days after the  
16 child is placed into an out-of-home placement.

17 (II) FOR PURPOSES OF PARAGRAPH (1)(II) OF THIS  
18 SUBSECTION, A CHILD SHALL BE CONSIDERED TO BE ABANDONED IF AN  
19 INDIVIDUAL WITH CONTROL OR CUSTODY OF THE CHILD:

20 1. WILLFULLY FORSAKES THE CHILD;

21 2. FAILS TO CARE FOR AND KEEP CONTROL AND  
22 CUSTODY OF THE CHILD SO THAT THE CHILD IS EXPOSED TO PHYSICAL OR  
23 MORAL RISK WITHOUT PROPER AND SUFFICIENT PROTECTION; OR

24 3. FAILS TO CARE FOR AND KEEP CONTROL AND  
25 CUSTODY OF THE CHILD SO THAT THE CHILD IS SUBJECT TO BEING SUPPORTED  
26 AND MAINTAINED AT PUBLIC EXPENSE OR BY PRIVATE PERSONS OR CHILD CARE  
27 ORGANIZATIONS NOT LEGALLY CHARGEABLE WITH THE CARE, CUSTODY, OR  
28 CONTROL OF THE CHILD.

29 (3) A local department is not required to file a petition or join an  
30 action if:

1                   (i)     the child is being cared for by a relative **WHO HAS MADE**  
2 **ARRANGEMENTS WITH ONE OR BOTH PARENTS OF THE CHILD TO SERVE AS THE**  
3 **CHILD’S CAREGIVER;**

4                   (ii)    the local department has documented in the case plan,  
5 which shall be available for court review, a compelling reason why termination of  
6 parental rights would not be in the child’s best interests; or

7                   (iii)   the local department has not provided services to the family  
8 consistent with the time period in the local department’s case plan that the local  
9 department considers necessary for the safe return of the child to the child’s home.

10           (c)     If a petition is filed under subsection (b) of this section, the local  
11 department shall identify, recruit, process, and seek to approve a qualified family for  
12 adoption, guardianship, or other permanent placement.

13           (d)     This section may not be construed to:

14                   (1)    prohibit the filing of a petition at an earlier date or under other  
15 appropriate circumstances; or

16                   (2)    require a local department to file a petition or, except as otherwise  
17 provided by law, require expedited termination of parental rights for a child in kinship  
18 care.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2012.